did not intend the right to furnish water to be exclusive as against a municipality which was authorized by an act of 1867 to construct water works, etc. In these two cases the apparently liberal interpretation of the word "exclusive" is warranted by the statute itself, "exclusive" being modified by the prohibition against any other company. The only other cases involving this statute where "exclusive" was interpreted in any other than its "usual and most known signification" (BLACKSTONE, Vol. 1, Introduction, *page 59) are the *Scranton Electric Light and Heat Co.* v. *Scranton Illuminating, Heat and Power Co.,* 3 Pa. Co. R. 628, holding the statute did not apply to companies furnishing electricity for light, etc. (but *contra Wilkes-Barre Electric Light Co.* v. *Wilkes-Barre Light, Heat & Motor Co. et al.,* 4 Kulp. (Pa.) 47), and *Emerson* v. *Com.* 108 Pa. St. 111, excepting natural gas from the operation of the statute. The reason for the first holding was that it appeared from the fact that little was known of the possibilities of the use of electricity, that the legislature did not have it in mind; the reason for the second, that it seemed from the context of the statute that the legislature had reference to manufactured gas. So far only do the decisions go. Mr. JUSTICE BROWN dissenting, would have the statute apply only to districts where no company was as yet doing business. We are inclined to support him in this. We dismiss the possibility that the act had the effect of revoking the charter of the Scranton Gas and Water Works Co., as neither side entertains that view. The dissenting opinions have authority to support them. Grants to a corporation are construed most favorably to the public. THOMPSON CORP. Vol. IV, § 5345. In *Appeal of Electric Light and Heat Co.,* CHIEF JUSTICE GORDON says: "Monopolies are favorites neither with courts nor with the people * * * nor are they at all allowable except where the resultant advantage is in favor of the public, as, for instance, where a water or gas company could not exist except as a monopoly." Coming from one whose duty was to construe the act this expression carries weight. AMER. & ENG. ENC. OF LAW, Vol. 26 p. 633. Mr. JUSTICE POTTER quotes the statement in the preamble to the act of 1895 that the purpose for which exclusive rights are granted to gas companies is "the encouragement and establishment of such companies for the supplying of gas where no such supply was previously furnished." We admit this statement is not entitled to very much weight. *Koshkonong* v. *Burton,* 104 U. S. 678 and *Salters* v. *Tobias,* 3 Paige (N. Y.) 338 (on the force of declatory laws.) On the whole we submit that the "reason and spirit" (COOLEY'S BLACKSTONE, Vol. I, Introduction, * p. 60) of the law seem to support the dissenting views.

CORPORATIONS—PENAL OFFENSE—CONSTRUCTION OF STATUTE.—A domestic corporation was indicted for an alleged violation of Ky. St. 1903 § 576 requiring all but certain excepted corporations to place the word "incorporated" under their corporate name on "all printed or advertising matter used by such corporation." The company failed to put "incorporated" upon the labels on their beer bottles and the boxes containing them. *Held,* the labels were not advertising matter within the meaning of the statute, *Jung Brewing Company* v. *Commonwealth* (1906), — Ky. —, 96 S. W. Rep. 476.

The court decides the case on general principles of construction. It holds that the purpose of the legislature, viz., to inform the public that the concern with which it is doing business is a corporation, is fully subserved by "limiting the expression 'printed or advertising matter' to billheads or advertisements in the newspapers, and other similar matter." No authority is cited either of decisions or text-books, nor do we find any pro or con. The statute appears to be unique. Somewhat analogous legislation is found on the subject of limited partnership, but we find no express requirement that "limited," "limited partners," or other words indicative of special partnership, appear on "advertising matter." BRIGHTLY'S PURDON'S DIGEST Vol. I (12th Ed.) pp. 1219-1223; SAYLES' TEXAS CIVIL STATUTES, Vol. II, Title 76, Arts. 3590-3596; KY. ST. 1903, Chap. 94. There seems, therefore, to be no precedent to help determine what the legislature meant by "printed or advertising matter."

COSTS—CHANGE OF VENUE—LIABILITY OF COUNTY.—Where a criminal case is removed from the county where the indictment was found, *Held,* the costs for which such county is liable for the prosecution of the suit do not include compensation of special counsel appointed by the court of the county to which the case was removed, when its county attorney for any cause is disqualified to act. *State ex rel Cascade County* v. *Lewis and Clarke County et al.* (1906), — Mon. —, 86 Pac. Rep. 419.

The County Attorney of Cascade county had, before his election to office, been retained by the defendant in the criminal action, whereupon the court appointed special counsel to prosecute the case at a cost of $600, which sum they sought to collect from Lewis and Clarke County. The reasoning of the court is that Cascade County should have tried the case as if it were its own, and therefore its county attorney, or, in case of emergency, the Attorney General should have been called in to prosecute the case. To allow this charge would be the same as to allow for the services of the sheriff or clerk, for the time used in this case, for all of these officers are salaried, and draw their pay whether there be a case or not. Therefore, if Cascade County saw fit to procure the services of outside attorneys, it was no concern of Lewis and Clarke County. *State* v. *Whitworth,* 26 Mont. 107, cited, held that in such a case the county attorney must prosecute the case; but also held, "That the statute declaring thus does not exclude the power of the court to appoint counsel from members of the bar to assist in the prosecution." See also: *Biernal* v. *State,* 71 Wis. 444; *People* v. *Hendryx,* 58 Mich. 498; *Commonwealth* v. *Knapp,* 10 Pick. 477; *Commonwealth* v. *King,* 8 Gray, 501. There are special statutes as to who may so appoint; as, the board of supervisors,—*Hopkins* v. *Clayton County,* 32 Ia. 15; the district attorney,—*Sands* v. *Frontier County,* 42 Neb. 837; *Commonwealth* v. *Shaffer,* 178 Pa. St. 409. In Montana, the district attorney, or an authorized assistant, duly appointed, or in an emergency the Attorney General, shall prosecute; but this shall not be intended to deny the inherent power of the court, finding itself without a prosecuting attorney, to supply one temporarily. *State* v. *Whitworth, supra;* Pol. Code. § 460 Sub. 7. The situation in the principal case is rather novel